

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

ROGER N.M. ONDOUA,

Plaintiff,

vs.

**MONTANA STATE UNIVERSITY, et
al,**

Defendants.

CV-18-05-GF-BMM-JTJ

ORDER

Plaintiff Roger N. Ondoua filed a Complaint against Defendants Montana State University, Charles Boyer, Barry Jacobsen, Deborah Barkley, Brandi Clark, Shana Wold, Gadi Reddy, Julie Orcutt, Shad Chrisman, Julie Prewett, and John Does 1–5. Doc. 1. Defendants filed a Motion to Strike Plaintiff’s Statement of Disputed Facts. Doc. 122. Defendants ask this Court to do the following: (1) strike Plaintiff’s statement of disputed facts (Doc. 117) and supporting exhibits (Doc. 118); (2) deem the facts set forth in Defendants’ Joint Statement of Undisputed Facts (Doc. 87) undisputed for the purposes of summary judgment; and (3) rule on Defendants’ motions for summary judgment (Doc. 77, 79, 81, 83, 85). *Id.* at 1–2.

Defendants cite a variety of Plaintiff's conduct as grounds for their motion. For example. Defendants claim Plaintiff filed a statement of disputed facts that was grossly deficient and sixteen days late. Doc. 123 at 1–2. Defendants claim that Plaintiff has a history of late night, last minute filings and discovery requests. *Id.* at 5–9. Defendants also claim Plaintiff filed a bloated preliminary pretrial statement of 176 pages that contained duplicative and meritless allegations. *Id.* at 7.

Plaintiff airs his own grievances. Doc. 126. Plaintiff claims that Defendants' failure promptly to provide various documents in the proper digital format caused many of the filing and discovery delays. *Id.* at 2. Plaintiff also claims that Defendants' excessively burdensome document production caused the discovery delays. *Id.*

Much of this motion proves moot. This Court held a hearing on September 25, 2020, to resolve Defendants' motions for summary judgment. Doc. 217. This Court dismissed many of Plaintiff's claims and several defendants. Nonetheless, the remainder of this motion asks this Court to strike Plaintiff's statement of disputed facts (Doc. 117) and supporting exhibits (Doc. 118).

Both parties have conducted themselves in a manner that has been less than laudatory. Discovery has led to nearly 20,000 pages of documents. The statement of disputed facts included 2,000 pages of exhibits and ballooned until it became

too large for the CM/ECF to process. Doc. 123 at 6; Doc. 126 at 3. This Court declines to wade into the relitigation of several years of discovery and filing disputes. The Magistrate Judge has held several hearings to resolve the numerous discovery disputes. This Court made clear at oral argument that, unless the parties settle, this dispute will be going to trial. This Court set a trial date for January 11, 2021. Both parties will be given a fair opportunity at trial to present their cases to the jury.

ORDER

Accordingly, **IT IS ORDERED** that Defendants' Motion to Strike Plaintiff's Statement of Disputed Facts (Doc. 122) is **DENIED**.

Dated this 6th day of October, 2020.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court